

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Michael D. Myers, # 226450,)	
)	
Petitioner,)	
)	
vs.)	Civil Action No.: 1:11-cv-450-TLW-SVH
)	
Warden of McCormick Correctional)	
Institution,)	
)	
Respondent.)	
_____)	

ORDER

On February 28, 2011, the petitioner, Michael D. Myers (“petitioner”), proceeding pro se, filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. # 1). The case was referred to United States Magistrate Judge Shiva V. Hodges pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2), DSC.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by the Magistrate Judge to whom this case had previously been assigned. (Doc. # 40). On November 28, 2011, the Magistrate Judge issued the Report. In the Report, the Magistrate Judge recommends that the District Court grant the respondent’s motion for summary judgment (Doc. # 30) and dismiss this petition with prejudice. (Doc. # 40). The petitioner filed no objections to the Report. Objections were due on December 15, 2011.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. §

636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. It is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED**. (Doc. # 40). For the reasons articulated by the Magistrate Judge, the respondent's motion for summary judgment (Doc. # 30) is **GRANTED**, and this petition pursuant to 28 U.S.C. § 2254 is **DISMISSED** with prejudice.

The Court has reviewed this petition in accordance with Rule 11 of the Rules Governing Section 2254 Proceedings. The Court concludes that it is not appropriate to issue a certificate of appealability as to the issues raised herein. The petitioner is advised that he may seek a certificate from the Fourth Circuit Court of Appeals under Rule 22 of the Federal Rules of Appellate Procedure.

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

February 2, 2012
Florence, South Carolina